

The Commonwealth of Massachusetts

ANNUAL REPORT

OF THE

COMMISSIONER

OF

STATE AID and PENSIONS

FOR THE

YEAR ENDING NOVEMBER 30,

1940



The Commonwealth of Massachusetts

OFFICE OF THE COMMISSIONER OF STATE AID AND PENSIONS,
STATE HOUSE, BOSTON, February 1, 1941.

To the Honorable Senate and the House of Representatives:

In compliance with the requirements of Chapter 115, Section 2, General Laws, I herewith submit to your honorable bodies the annual report of the Department of State Aid and Pensions, the part relating to State and Military Aid and burials being for the year 1939, and the part relating to Hospital or Home Care and United States pensions covering the year 1940.

Very respectfully,

RICHARD R. FLYNN,
Commissioner

ANNUAL REPORT

STATE AND MILITARY AID AND BURIAL EXPENSES

Disbursements of State and Military Aid to soldiers, sailors and marines of the Civil War, the Indian Campaigns, the Spanish War, the Philippine Insurrection, the Mexican Border Service, and the War with Germany, and their dependents, and for the burial of soldiers, sailors and marines of the Civil War, the Indian Campaigns, the Spanish War, the Philippine Insurrection, the Mexican Border Service and the War with Germany, and army nurses, by 230 cities and towns in the Commonwealth during 1939,—reimbursement being due and payable to the disbursing municipalities on or before November 10, 1940—were as follows:

State Aid to soldiers and dependents, Civil War	\$ 30,813.00
State Aid to soldiers and dependents, Indian Campaigns	1,330.00
State Aid to soldiers and dependents, War with Spain	36,525.60
State Aid to soldiers and dependents, Philippine Ins. Service	11,420.00
State Aid to soldiers and dependents, Mexican Border Service	20.00
State Aid to soldiers and dependents, War with Germany	178,198.75
Military Aid to soldiers and sailors, War with Spain	350.00
Military Aid to soldiers and sailors, Philippine Ins. Service	342.10
Military Aid to soldiers and sailors, Mexican Border Service	1,537.50
Military Aid to soldiers and sailors, War with Germany	158,176.43
Burial expenses for soldiers and their dependents	20,896.53

Total for 1939\$ 439,609.91

These figures show an increase of \$33,518.68 over 1938, which is due to the increased amount required for World War veterans and their dependents because of unemployment and increased disabilities of the veterans.

State Aid

The total number of recipients of State Aid, Civil War, for 1939, was 297, classified as follows:

Soldiers, 8; decrease, 3	Children, 14
Widows, 275; decrease, 50	
Total	297
Net decrease of recipients during 1939, 53	
Average cost to State per person aided, \$103.74+	

The total number of recipients of State Aid, Indian Campaign Service, for 1939, was 12 classified as follows:

Soldiers, 3; decrease, 1	Widows, 9
Total	12
Net decrease of recipients during 1939, 1	
Average cost to State per person aided, \$110.83+	

The total number of recipients of State Aid, Spanish War, for 1939, was 351, classified as follows:

Soldiers, 84; decrease, 35	Mothers, 10; decrease, 2
Wives, 1; decrease, 1	Children, 1
Widows, 255; increase, 13	
Total	351
Net decrease of recipients during 1939, 25	
Average cost to State per person aided, \$104.06+	

The total number of recipients of State Aid, Philippine Insurrection Service, for 1939, was 121, classified as follows:

Soldiers, 43; decrease, 7	Mothers, 2; decrease, 3
Wives, 1	Children, 1
Widows, 74; increase, 5	
Total	121
Net decrease of recipients during 1939, 5	
Average cost to State per person aided, \$94.38+	

The total number of recipients of State Aid, Mexican Border Service, for 1939, was 1, classified as follows:

Soldiers, 1	
Total	1
Average cost to State per person aided, \$20.00	

The total number of recipients of State Aid, War with Germany, for 1939, was 1,717, classified as follows:

Soldiers, 391; increase, 16	Fathers, 1; decrease, 1
Wives, 45; increase, 4	Children, 2; increase, 1
Widows, 1,207; increase, 128	Yeoman F., 1; increase, 1
Mothers, 70; increase, 4	Army Nurses, 0; decrease, 1
Total	1,717
Net increase of recipients during 1939, 152	
Average cost to State per person aided, \$103.78+	
Total number of State Aid cases	2,499
Net increase during 1939, 68	

Military Aid

Military Aid in the amount of \$160,406.03—an increase of \$16,941.29 over 1938—was disbursed as follows:

Spanish War soldiers, 2; increase, 1
 Philippine Insurrection soldiers, 5; increase, 1
 Mexican Border Service soldiers, 9; decrease, 2
 World War soldiers, 1,061; increase, 42
 Yeoman F., 1

Total number of Military Aid cases	1,078
Net increase during 1939, 42	
<i>Spanish War</i> :—Amount expended, Classes 1 and 2	\$ 350.00
Average cost to State per person aided, \$175.00	
<i>Philippine Ins. Service</i> :—Amount expended, Classes 1 and 2	342.10
Average cost to State per person aided, \$68.42	
<i>Mexican Border Service</i> :—Amount expended, Classes 1 and 2	1,537.50
Average cost to State per person aided, \$170.83+	
<i>German War</i> :—Amount expended, Classes 1 and 2	156,197.43
Average cost to State per person aided, \$148.33+	
Amount expended, Classes 3 and 4	1,979.00
Average cost to State per person aided, \$219.88+	
Total	\$ 160,406.03

Expenditures

Personal services of Commissioner and Deputies, agents, clerks and stenographers, and incidental and contingent expenses	44,802.61
Reimbursement to cities and towns for State and Military Aid and burial of soldiers and sailors and their dependents on account of 1939, paid in 1940	410,000.00
Special Care for Civil War veterans, their wives and widows under Chapter 340, Acts of 1929	20,337.85
	\$475,140.46

The total expenditures by the Commonwealth for State and Military Aid and burial of indigent soldiers and sailors and their dependents, including maintenance and improvement of the Soldiers' Home in Massachusetts, and on account of special laws, from 1861 to the close of 1939, were approximately \$95,430,945.90.

Financial Statement Verified

Approved: WALTER S. MORGAN, *Comptroller*.

SPANISH AMERICAN WAR REIMBURSEMENT FUND

During the year 1939, the sum of \$428.25 was expended under the provisions of Chapter 280, Acts of 1928, entitled, "Spanish American War Reimbursement Fund," leaving a balance of \$330.48 on December 1, 1940.

Col. Thomas F. Tierney, Surgeon General of this Commonwealth, has, as always, rendered excellent service in his medical examinations of veterans of the various wars who seek Military Aid or admission to the Soldiers' Home, Chelsea, Mass. His careful diagnoses and medical advice have enabled this office to determine the amount of financial assistance required in Military Aid cases, and this office is indebted to him for his assistance.

Our agents made 8,503 examinations during 1939, as follows:

State and Military Aid cases	7,642
Hospital or Home Care, Chapter 340, Acts of 1929	136
Soldiers' Relief appeals	642
Soldiers' Relief special examinations, Chapter 270, Acts 1932	41
Burial cases	8
Hospital cases	22
Pension cases	12
Total	8,503

PENSIONS

The total number of United States pension claims filed during the year ending December 31, 1940, was 501, classified as follows:

Soldiers, Act March 20, 1933, Original	11
Soldiers, Act March 20, 1933, Increase	1
Soldiers, Act August 13, 1935, Original, Spanish War	14
Soldiers, Act August 13, 1935, Increase, Spanish War	126
Soldiers, Act August 25, 1937, Indian Wars, Increase	1
Soldiers, Act May 24, 1938, Spanish War	171
Soldiers, Act August 4, 1939	1
Soldiers, Act May 2, 1940	21
Soldiers, Act July 15, 1940	2
Widows, Accrued	4

P. D. 68	7
Widows, Act May 1, 1920, amended by Act June 9, 1930, Civil War ..	6
Widows, Act March 20, 1933, Original	1
Widows, Act August 13, 1935, Spanish War	6
Widows, Act August 13, 1935, and August 5, 1939, Spanish War	71
Widows, Act June 28, 1938	2
Widows, Act July 19, 1939, World War	21
Wives, Apportioned Pension, Act March 3, 1899	1
Wives, Apportioned Pension, Act October 17, 1940	1
Fathers	1
Guardians	3
Helpless Children	2
Reimbursement	17
Unendorsed Check	12
Certificates in lieu of lost discharge	5
Total	501
Number of claims allowed*	407
Number of claims rejected*	93
Amount collected	\$30,690.40

*Some of these claims were filed prior to 1940.

FEDERAL LEGISLATION

The following laws relating to veterans and their dependents were enacted by the 76th Congress during the year 1940:

[PUBLIC—No. 412—76TH CONGRESS]

[CHAPTER 21—3D SESSION]

[H. R. 5734]

AN ACT

For the relief of World War sailors and marines who were discharged from the United States Navy or United States Marine Corps because of minority or misrepresentation of age.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of law conferring rights, privileges, or benefits upon honorably discharged sailors of the United States Navy and upon honorably discharged marines of the United States Marine Corps, their widows and dependent children, a sailor or marine who served as an enlisted man between April 6, 1917, and November 11, 1918, both dates inclusive, and who was discharged for fraudulent enlistment on account of minority or misrepresentation of age, shall hereafter be held and considered to have been honorably discharged from the naval service on the date of his actual separation therefrom if his service otherwise was such as would have entitled him to an honorable discharge: *Provided*, That no back pay or allowance shall accrue by reason of the passage of this Act: *Provided further*, That in all such cases the Navy Department shall, upon request, grant to such men, or their widows, a discharge certificate showing that the sailor or marine is held and considered to have been honorably discharged under the provisions of this Act.

Approved, February 9, 1940.

[PUBLIC—No. 432—76TH CONGRESS]

[CHAPTER 52—3D SESSION]

[S. 2866]

AN ACT

To provide for allowance of expenses incurred by Veterans' Administration beneficiaries and their attendants in authorized travel for examination and treatment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is hereby authorized, under regulations to be prescribed by the President, to pay the actual necessary expenses of travel, including lodging and subsistence, or in lieu thereof an allowance based upon the mileage traveled, of any person to or from a Veterans' Administration facility, or other place for the purpose of examination, treatment, or care: *Provided*, That payment of mileage upon termination of examination, treatment, or care may be made prior to completion of such travel: *And provided further*, That when any such person requires an attendant other than an employee of the Veterans' Administration for the performance of such travel, such attendant may be allowed expenses of travel upon a similar basis.

Approved, March 14, 1940.

[PUBLIC—No. 461—76 CONGRESS]

[CHAPTER 109—3D SESSION]

[H. R. 8083]

AN ACT

To authorize the Secretary of War to furnish certain markers for certain graves.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of existing law the Secretary of War is authorized to furnish, upon application, for use on graves in cemeteries where stone markers are not acceptable, a headstone or marker of such standard design and material as may be approved by him, within the limit of prevailing costs of the standard World War type headstone, for the grave of any deceased person for which the Secretary of War is authorized to furnish a marker or headstone: *Provided*, That the Secretary of War shall furnish the upright stone marker, authorized by section 4877 of the Revised Statutes, for cemeteries under the jurisdiction of the Secretary of War.

Approved, April 18, 1940.

[PUBLIC—No. 465—76TH CONGRESS]

[CHAPTER 119—3D SESSION]

[S. 3067]

AN ACT

Authorizing appropriations to be made for the disposition of the remains of personnel of the Navy and Marine Corps and certain civilian employees of the Navy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds to be expended under such regulations as the Secretary of the Navy may prescribe are hereby authorized to be appropriated as may be necessary from time to time for the funeral expenses of the deceased persons hereinafter specified.

SEC. 2. The words "funeral expenses" as used in this Act, and in subsequent Acts appropriating funds as herein authorized, shall be construed to include the expenses of, and incident to, the recovery of bodies; cremation, but only on request of the relatives of the deceased; preparation for burial; transportation to the home of the deceased or to a national or other cemetery designated by proper authority; and interment.

SEC. 3. Funeral expenses shall be allowed for—

(a) Officers and enlisted men of the Navy and Marine Corps, including those on the retired lists who die while on active duty;

(b) Members of the Nurse Corps (female) of the Navy, including those on the retired list who die while on active duty;

(c) Members of the Naval Reserve or Marine Corps Reserve who die while on active or training duty, or while performing authorized travel to or from such duty;

(d) Accepted applicants for enlistment;

(e) Civilian employees of the Navy Department or the Naval Establishment who have been ordered away from their homes in the United States to duty outside the continental limits of the United States and who die while on such duty or while performing authorized travel to or from such duty;

(f) Former enlisted men of the Navy and Marine Corps who were discharged while patients in hospitals and who remain as patients in such hospitals to the day of their death; and

(g) Pensioners and destitute patients who die in naval hospitals: *Provided*, That only the expenses of preparation for burial and interment shall be allowed in disposing of the remains of such pensioners and destitute patients.

SEC. 4. The provisions of this Act shall apply in the case of personnel temporarily absent with or without leave when death occurred.

SEC. 5. In any case where funeral expenses authorized by this Act are incurred prior to receipt of official authority, reimbursement may be made in the amount allowed by the Navy Department for such services.

SEC. 6. Funds to be expended under such regulations as the Secretary of the Navy may prescribe are hereby authorized to be appropriated as may be necessary from time to time for the purchase and care of cemetery lots; for the care of graves of deceased personnel of the Navy and Marine Corps outside the continental limits of the United States, with which shall be included those in sites not owned by the United States; and for the removal of remains from abandoned cemeteries to naval or national cemeteries or to the homes of the persons deceased, with which shall be included remains interred in isolated graves in the United States and abroad and remains temporarily interred.

Approved, April 20, 1940.

[PUBLIC—No. 505—76TH CONGRESS]

[CHAPTER 182—3D SESSION]

[H. R. 289]

AN ACT

For the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain, who were held to service in the Philippine Islands for service in the Philippine Insurrection after April 11, 1899, and after the conclusion of peace with the Kingdom of Spain, shall be entitled to the travel pay and allowance for subsistence provided in sections 1289 and 1290, Revised Statutes, as then amended and in effect, as though discharged April 11, 1899, by reason of expiration of

enlistment, and appointed or reenlisted April 12, 1899, without deduction of travel pay and subsistence paid such officers or soldiers on final muster out subsequent to April 11, 1899: *Provided*, That no benefits shall accrue under any provision of this Act to any person whose claim is based upon the service of any such officer or soldier discharged in the Philippine Islands at his own request.

SEC. 2. Claims hereunder shall be settled in the General Accounting Office, and shall be payable to the officer or soldier, or if the person who rendered the service is dead, then to his widow, children in equal shares (but not to their issue), father, or mother as provided by existing Acts relating to the settlement of accounts of deceased officers and soldiers of the Army (34 Stat. 750), but if there is no widow, child, father, or mother at the date of settlement, then no payment on account of the claim shall be made.

SEC. 3. The Comptroller General is authorized and directed to certify to the Congress, pursuant to the provisions of section 2 of the Act of July 7, 1884 (U. S. C., title 5, sec. 266), all claims allowed hereunder.

SEC. 4. Application for the benefits of this Act shall be filed within three years after the date of its passage.

SEC. 5. Payment to any attorney or agent for such assistance as may be required in the preparation and execution of the necessary papers in any application under this Act shall not exceed the sum of \$10; any person collecting or attempting to collect a greater amount than is herein allowed shall be guilty of a misdemeanor and shall be punishable by a fine of not more than \$500 or by imprisonment for not more than two years, or by both such fine and imprisonment.

SAM RAYBURN

Speaker pro Tempore of the House of Representatives.

JNO N. GARNER

*Vice President of the United States and
President of the Senate.*

IN THE HOUSE OF REPRESENTATIVES, U. S.,

April 25, 1940.

The House of Representatives having proceeded to reconsider the bill (H. R. 289) entitled "An Act for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

SOUTH TRIMBLE

Clerk.

I certify that this Act originated in the House of Representatives.

SOUTH TRIMBLE

Clerk.

IN THE SENATE OF THE UNITED STATES,

May 2 (legislative day, April 24), 1940.

The Senate having proceeded to reconsider the bill (H. R. 289) entitled "An Act for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899", returned by the President of the United States to the House of

Representatives, in which it originated, with his objections, and passed by the House on a reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

EDWIN A. HALSEY

Secretary.

[PUBLIC—No. 553—76TH CONGRESS]

[CHAPTER 246—3D SESSION]

[H. R. 7733]

AN ACT

To provide increased pensions for veterans of the Regular Establishment with service-connected disability incurred in or aggravated by service prior to April 21, 1898.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective on the first day of the month following the month in which this Act is enacted, the rates of pension prescribed by paragraph II of part II of Veterans Regulation Numbered 1 (a), as amended, shall be payable to veterans of the Regular Establishment entitled to pensions under the general pension law on account of service-connected disabilities incurred in or aggravated by service prior to April 21, 1898: *Provided*, That this Act shall not be construed to reduce any pension under any Act, public or private.

Approved, June 6, 1940.

[PUBLIC—No. 594—76TH CONGRESS]

[CHAPTER 319—3D SESSION]

[H. R. 7147]

AN ACT

To amend the service pension Acts pertaining to the War with Spain, Philippine Insurrection, and the China Relief Expedition to include certain continuous service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in determining the period of active service for the purpose of the Act of May 1, 1926 (Public Law Numbered 166, Sixty-ninth Congress), the Act of June 2, 1930 (Public Law Numbered 299, Seventy-first Congress), and the Act of May 24, 1938 (Public Law Numbered 541, Seventy-fifth Congress), granting service pensions to veterans and dependents of deceased veterans of the War with Spain, the Philippine Insurrection, or the China Relief Expedition, continuous active service entered into during the War with Spain, the Philippine Insurrection, or the China Relief Expedition shall be included although part of such continuous service extended into either the Philippine Insurrection or the China Relief Expedition. Payments of benefits under the provisions of this Act shall be effective the date of enactment thereof as to those persons on the rolls and as to claims pending on the date of enactment of this Act. In all other cases awards of pension authorized hereunder shall be effective from date of application therefor after the date of enactment of this Act.

Approved, June 11, 1940.

[PUBLIC—No. 743—76TH CONGRESS]

[CHAPTER 626—3D SESSION]

[S. 134]

AN ACT

Providing for continuing retirement pay, under certain conditions, of officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability while in the service of the United States during the World War, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of any law of the United States, any person who served as an officer of the Army, Navy, or Marine Corps of the United States during the World War, other than as an officer of the Regular Army, Navy, or Marine Corps during the World War, who made valid application for retirement under the provisions of Public Law Numbered 506, Seventieth Congress, enacted May 24, 1928 (U. S. C., Supp. VII, title 38, secs. 581 and 582), and who prior to the passage of this Act has been granted retirement with pay and is shown to have been heretofore correctly rated, shall be entitled to continue to receive retirement pay at the monthly rate paid him on March 19, 1933, if the disability for which he has been retired resulted from disease or injury or aggravation of a preexisting disease or injury incurred in such service in fact in line of duty and directly resulting from the performance of duty: *Provided*, That such person rendered active service as a commissioned officer within the period between April 6, 1917, and November 11, 1918: *Provided further*, That where the disability is now or hereafter determined to be clearly shown by all of the evidence to have been incurred in or aggravated by active service, in fact in line of duty without benefit of any statutory or regulatory presumption of any kind, it will be considered to have directly resulted from performance of duty: *Provided further*, That the Administrator of Veterans' Affairs is hereby authorized and directed to adjudicate claims for emergency officers' retirement in accordance with the provisions of the Act of May 24, 1928 (Public Law Numbered 506, Seventieth Congress), subject to limitations contained in section 10 of the Act of March 20, 1933 (Public Law Numbered 2, Seventy-third Congress), as modified by the provisions of this Act, in any case where the disability resulted from injury or disease incurred in combat with an enemy of the United States, and where entitlement is established based upon such injury or disease the Administrator of Veterans' Affairs is hereby authorized to grant retirement with pay as provided in the said Act of May 24, 1928, notwithstanding the failure of the person to file claim within the period required by said Act of May 24, 1928.

SEC. 2. No beneficiary under this Act shall receive any retirement pay for any period prior to the date of this Act.

SEC. 3. That subsection (b) of section 212 of Public Law Numbered 212, Seventy-second Congress, shall be amended to read as follows:

"(b) This section shall not apply to any person whose retired pay, plus civilian pay, amounts to less than \$3,000: *Provided*, That this section shall not apply to regular or emergency commissioned officers retired for disability incurred in combat with an enemy of the United States or for disabilities resulting from an explosion of an instrumentality of war in line of duty during an enlistment or employment as provided in Veterans Regulation Numbered 1 (a), part I, paragraph I."

Approved, July 15, 1940.

[PUBLIC—No. 746—76TH CONGRESS]

[CHAPTER 632—3D SESSION]

[S. 458]

AN ACT

Extending the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to provisional, probationary, or temporary officers of the Army, Navy, Marine Corps, and Coast Guard who served during the World War.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the benefits of the Act of May 24, 1928, (Public, Numbered 506, Seventieth Congress), subject to the limitations contained in section 10 of the Act of March 20, 1933 (Public, Numbered 2, Seventy-third Congress) as now or hereafter amended are hereby extended to provisional, probationary, or temporary officers of the military or naval forces or Coast Guard, who served subsequent to April 6, 1917, and who are now in a status of honorable separation from the military, naval, or Coast Guard Service, if application for such benefits is filed with the Administrator of Veterans' Affairs within twelve months after the passage of this Act: *Provided*, That the benefits under this Act shall take effect from the date of application, if approved.

Approved, July 18, 1940.

[PUBLIC—No. 747—76TH CONGRESS]

[CHAPTER 633—3D SESSION]

[S. 3131]

AN ACT

To extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who were physically injured in line of duty while performing active duty or engaged in authorized training between dates of February 28, 1925, and July 15, 1939, both inclusive, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where in time of peace any member of the Officers' Reserve Corps or of the Enlisted Reserve Corps of the Army was physically injured in line of duty (1) while on active duty, or (2) while engaged in authorized travel to and from such duty, or (3) while engaged in authorized training without pay, or dies or has died as the result of such physical injury, where such injury or death occurred between the dates of February 28, 1925, and July 15, 1939, both inclusive, when such injury or death results from an accident involving a military hazard such as flying in military aircraft, participation in military drills, target practice and tactical exercises, and in injury cases where such injury has resulted in permanent partial or permanent total disability, he or his beneficiary shall be entitled to all the benefits prescribed by law for civil employees of the United States who are physically injured in line of duty or who die as a result thereof, and the United States Employees' Compensation Commission shall have jurisdiction in such cases and shall perform the same duties with reference thereto as in the cases of civil employees of the United States so injured: *Provided*, That the benefits shall accrue to any such member, or his beneficiary, whether the disability or death is the result of sickness or disease contracted in line of duty while on active duty when such sickness or disease is proximately caused by service on active duty: *Provided further*, That employees' compensation under this Act shall not be paid concurrently with active-duty pay or pension based upon military service, and in

the event a person becomes eligible for the benefits of the United States Employees' Compensation Act and is also eligible for, or is in receipt of, a pension based upon military service, he shall elect which benefit to receive: *Provided further*, That authorized training without pay is defined as inactive-status training under written authorization by competent military authority covering a specific training assignment and prescribing a time limit: *Provided further*, That for the purpose of determining benefits to which entitled under the provisions of this Act members of the Officers' Reserve Corps or of the Enlisted Reserve Corps of the Army physically injured when engaged in authorized training without pay will be held and considered as receiving the pay and allowances they would have received if in a pay status: *And provided further*, That nothing herein shall be construed to authorize compensation benefits which may have accrued for any period prior to the approval of this Act, but eligibility for compensation benefits shall be determined as of the date of approval of this Act and any benefits payable shall date only from such approval and the eight-year period of limitation in section 10-G of the Federal Employees' Compensation Act of September 7, 1916, shall be computed for purposes of this Act, from the date of approval thereof.

Where injury or death has been sustained by any member of the Officers' Reserve Corps or Enlisted Reserve Corps while performing authorized training without pay upon inactive status it shall be presumed that such training was being performed under written authorization of competent military authority covering a specific training assignment and prescribing a time limit and thus subject to the provision of this Act unless a duly appointed Examining Board, appointed at the time of said accident, has found and reported to the contrary.

All claims for disability or death benefits allowed under the provisions of this Act shall be made within one year from its approval by the President.

Approved, July 18, 1940.

[PUBLIC—No. 796—76TH CONGRESS]

[CHAPTER 743—3D SESSION]

[H. R. 7731]

AN ACT

To provide for the burial and funeral expenses of deceased veterans of the Regular Establishment who were discharged for disability incurred in the service in line of duty, or in receipt of pension for service connected disability.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of paragraph II of Veterans' Regulations Numbered 9 (a), as amended, is hereby amended to read as follows:

"II. Where an honorably discharged veteran of any war, a veteran of any war in receipt of pension or compensation, a veteran discharged from the Army, Navy, Marine Corps, or Coast Guard for disability incurred in line of duty, or a veteran of the Army, Navy, Marine Corps, or Coast Guard in receipt of pension for service connected disability dies after discharge, the Administrator, in his discretion and with due regard to the circumstances in each case, shall pay, for burial and funeral expenses and transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding \$100 to cover such items and to be paid to such person or persons as may be prescribed by the Administrator."

Approved, October 5, 1940.

[PUBLIC—No. 866—76TH CONGRESS]

[CHAPTER 893—3D SESSION]

[H. R. 8930]

AN ACT

To amend section 202 (3), World War Veterans' Act, 1924, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law Numbered 484, Seventy-third Congress, approved June 28, 1934, as amended, is hereby amended by adding a new section thereto numbered 6 to read as follows:

"SEC. 6. There shall be no recovery of payments heretofore or hereafter made under the provisions of this Act from any person who, in the judgment of the Administrator, is without fault on his part and where, in the judgment of the Administrator, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience. No disbursing officer and no certifying officer shall be held liable for any amount paid to any person where the recovery of such amount from the payee is waived under the provisions of this section. This section shall be deemed to be in effect as of June 28, 1934."

SEC. 2. (a) That paragraphs II, III, and IV of Veterans Regulation Numbered 9 (a), as amended, be further amended to read as follows:

"II. Where an honorably discharged veteran of any war, a veteran of any war in receipt of pension or compensation, a veteran discharged from the Army, Navy, Marine Corps, or Coast Guard for disability incurred in line of duty, or a veteran of the Army, Navy, Marine Corps, or Coast Guard in receipt of pension for service-connected disability dies after discharge, the Administrator, in his discretion and with due regard to the circumstances in each case, shall pay, for burial and funeral expenses and transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding \$100 to cover such items and to be paid to such person or persons as may be prescribed by the Administrator. The Administrator may, in his discretion, make contracts for burial and funeral services within the limits of the amount herein allowed without regard to the laws prescribing advertisement for proposals for supplies and services for the Veterans' Administration. No deduction shall be made from the burial allowance because of any contribution from any source toward the burial and funeral (including transportation) unless the amount of expenses incurred is covered by the amount actually paid for burial and funeral (including transportation) purposes by a State, county, or political subdivision, workmen's compensation commission, State industrial accident board, employer, burial association, or Federal agency: *Provided*, That no claim shall be allowed for more than the difference between the entire amount of the expenses incurred, and the amount paid by any or all of the foregoing agencies or organizations: *Provided further*, That nothing herein shall be construed to cause the denial of or a reduction in the amount of the burial allowance otherwise payable because of a cash contribution made by a burial association to any person other than the person rendering burial and funeral services: *And provided further*, That nothing herein contained shall be construed so as to cause payment of the burial allowance or any part thereof in any case where specific provision is otherwise made for payment of expenses of funeral, transportation, and interment under any other Act.

"III. Where death occurs in a Veterans' Administration facility within the continental limits of the United States, the Veterans' Administration will (a) assume the actual cost (not to exceed \$100) of burial and funeral, and (b) transport the body to the place of burial within the continental limits of the United States or to the place of burial in Alaska if the veteran was a resident of Alaska and had been brought to the United States as beneficiary of the Veterans' Administration for hospital or domiciliary care. Where a veteran dies while hospitalized under authority of the Veterans' Administration in a Territory or possession of the United States the Veterans' Administration will (a) assume the actual cost (not to exceed \$100) of burial and funeral, and (b) transport the body to the place of burial within the Territory or possession.

"IV. Claims for reimbursement must be filed within two years subsequent to the date of burial of the veteran. In the event the claimant's application is not complete at the time of original submission, the Veterans' Administration will notify the claimant of the evidence necessary to complete the application and if

such evidence is not received within one year from the date of the request therefor no allowance may be paid: *Provided*, That where the death of a veteran occurred on or after March 20, 1933, and claim for burial allowance was not filed, or was filed after the expiration of the regulatory period, or was filed within the regulatory period and disallowed, the Administrator of Veterans' Affairs is hereby authorized and directed to receive and adjudicate a claim filed within two years after the date of enactment of this Act and to grant burial allowance under the provisions of laws and regulations governing such allowance as amended by this Act."

(b) That paragraph III of Veterans Regulation Numbered 6 (a), as amended, be further amended to read as follows:

"III. To persons unable to defray the cost thereof, transportation and other necessary expenses incidental thereto will be supplied to cover travel to a Veterans' Administration facility for domiciliary or hospital care; to cover return travel to the place from which the person proceeded to the facility, when he is regularly discharged upon completion of such care; and to cover travel involved in a transfer, deemed necessary, from one Veterans' Administration facility to another. All such travel will be subject to grant of prior authorization therefor. In the event of death of any person within the continental limits of the United States prior to his discharge from such care, transportation expenses (including preparation of the body) for the return of the body to the place of burial within the continental limits of the United States, or to the place of burial in Alaska if the veteran was a resident of Alaska and had been brought to the United States as a beneficiary of the Veterans' Administration for hospital or domiciliary care, may be paid in the discretion of the Administrator of Veterans' Affairs, when deemed necessary and as an administrative necessity. In the event of death of any such person in a Territory or possession of the United States transportation expenses (including preparation of the body) for the return of the body to place of burial within the Territory or possession may be paid."

(c) This section shall be applied to any claim for burial benefits pending in the Veterans' Administration on the date of its enactment.

SEC. 3. Where a disabled person, entitled to pension, compensation, or emergency officers' retirement pay under laws or regulations administered by the Veterans' Administration, and his wife are not living together, or where the child or children are not in the custody of the disabled person; or where, in death cases, the child or children are not in the custody of the widow, the amount of the pension, compensation or emergency officers' retirement pay may be apportioned as may be prescribed by the Administrator of Veterans' Affairs.

The Act of March 3, 1899 (30 Stat. 1379, ch. 460; U. S. C., title 38, secs 45, 46, 47, and 49), with the exception of the last proviso U. S. C., title 38, sec. 192), paragraph VII of Veterans Regulation Numbered 6 series (U. S. C., title 38, ch. 12, appendix), and all other provisions of law or regulation in conflict with the foregoing are repealed or modified to conform with the provisions of this section.

SEC. 4. That paragraph IV, Veterans Regulation Numbered 6 (a), as amended, (U. S. C., title 38, ch. 12, appendix), is hereby amended to read as follows:

"IV. No person shall be entitled to receive domiciliary, medical, or hospital care, including treatment, who resides outside of the continental limits of the United States or its Territories or possessions: *Provided*, That in the discretion of the Administrator of Veterans' Affairs necessary hospital care, including medical treatment, may be furnished to veterans who are citizens of the United States and who are temporarily sojourning or residing abroad, for disabilities due to war service in the armed forces of the United States."

SEC. 5. That section 3 of Public Law Numbered 262, Seventy-fourth Congress, approved August 12, 1935, is hereby amended by adding at the end thereof the following sentence: "From and after the date of approval of this amendatory Act this section shall be construed to prohibit the collection by set-off or otherwise out of any benefits payable pursuant to any law administered by the

Veterans' Administration and relating to veterans, their estates, or their dependents, of any claim of the United States or any agency thereof against (a) any person other than the indebted beneficiary or his estate; or (b) any beneficiary or his estate except amount due the United States by such beneficiary or his estate by reason of overpayments or illegal payments made under such laws relating to veterans, to such beneficiary or his estate or to his dependents as such: *Provided, however*, That if the benefits be insurance payable by reason of yearly renewable term or of United States Government life (converted) insurance issued by the United States, the exemption herein provided shall be inapplicable to indebtedness existing against the particular insurance contract upon the maturity of which the claim is based, whether such indebtedness be in the form of liens to secure unpaid premiums, or loans, or interest on such premiums or loans, or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits: *Provided further*, That nothing in this amendatory Act shall be construed to modify or repeal section 7 of Public Law Numbered 425, Seventy-fourth Congress, enacted January 27, 1936 (38 U. S. C. 687-b; 49 Stat. 1101)."

SEC. 6. That on and after the date of enactment of this Act, World War veterans otherwise entitled to the statutory award under the provisions of the last paragraph of section 202 (3), World War Veterans' Act, 1924, as amended, for the loss of the use of one or more feet or hands, shall be paid \$35 per month additional compensation in lieu of \$25 per month previously authorized.

SEC. 7. Section 1 of Public Law Numbered 196, Seventy-Sixth Congress, July 19, 1939, is hereby amended by striking therefrom the words "and who was in receipt of compensation therefor on March 19, 1933" and by substituting for the second proviso thereof the following: "*Provided further*, That where a World War veteran dies or has died, and service connection for any of the foregoing conditions is or would have been established under the provisions of this amendment, the surviving widow, child, or children, if otherwise eligible thereto, shall be awarded death compensation under Public Law Numbered 484, Seventy-third Congress, as amended".

SEC. 8. Except as provided in section 6 of Public Law Numbered 304, Seventy-fifth Congress, approved August 16, 1937 (U. S. C., title 38, sec. 472d), compensation authorized by section 7 of this Act shall not be payable effective prior to the receipt of application therefor in the Veterans' Administration, and in no event shall compensation therein authorized be effective prior to the date of enactment of this Act.

SEC. 9. That when disability compensation or pension based upon service-connected disability has been forfeited by a veteran under section 504 of the World War Veterans' Act, 1924, as amended (43 Stat. 1312; U. S. C., title 38, sec. 555), or section 15 of Public Law Numbered 2, Seventy-third Congress (48 Stat. 11; U. S. C., title 38, sec. 715), compensation or pension payable except for the forfeiture, from and after the date of suspension of payments to the veteran, shall be paid to his wife, child or children, and/or dependent parents, such payments not to exceed the amount payable in case such veteran had died from such service-connected disability: *Provided*, That no compensation or pension shall be paid to any dependent who has participated in the fraud for which the forfeiture was imposed.

Forfeiture of benefits by a veteran under the provisions of section 504, World War Veterans' Act, 1924, as amended, or section 15 of Public Law Numbered 2, Seventy-third Congress, shall not be construed to prohibit reimbursement on account of expenses incurred in the burial of such veteran otherwise authorized by law, or to prohibit payments of death compensation benefits for service-connected death or under Public Law Numbered 484, Seventy-third Congress, as amended.

Benefits authorized by this section shall not be paid for any period prior to the date of this enactment.

SEC. 10. Veterans Regulation Numbered 11 (U. S. C., title 38, ch. 12, appendix), promulgated under the Act of March 20, 1933 (Public, Numbered 2, Seventy-third Congress), is hereby amended by adding a new paragraph thereto numbered "III", to read as follows:

"III. The provisions of Veterans Regulation Numbered 11 shall apply to all claims under any of the laws administered by the Veterans' Administration: *Provided*, That the Administrator of Veterans' Affairs may release information, statistics, or reports, to individuals or organizations when in his judgment such release would serve a useful purpose."

SEC. 11. Notwithstanding any other provisions of law, except as provided in section 19 of the World War Veterans' Act, 1924, as amended, and in section 817 of the National Service Life Insurance Act of 1940, the decisions of the Administrator of Veterans' Affairs on any question of law or fact concerning a claim for benefits or payments under this or any other Act administered by the Veterans' Administration shall be final and conclusive and no other official or any court of the United States shall have power or jurisdiction to review any such decisions.

SEC. 12. Where any veteran suffers or has suffered an injury, or an aggravation of any existing injury, as the result of having submitted to an examination under authority of any of the laws granting monetary or other benefits to World War veterans, and not the result of his misconduct, and such injury or aggravation results in additional disability to or the death of such veteran, the veteran or his dependents shall be entitled to the same benefits as are provided for those who suffer an injury or an aggravation of any existing injury as a result of training, hospitalization, or medical or surgical treatment under the provisions of section 31 of Public Law Numbered 141, Seventy-third Congress, March 28, 1934. No benefits under this section shall be awarded unless application be made therefor within two years after such injury or aggravation was suffered, or such death occurred, or after the date of enactment of this Act, whichever is the later date.

Approved, October 17, 1940.

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